

Planning Commission Staff Report

TO: PLANNING COMMISSION / DESIGN REVIEW BOARD

FROM: ASHLEE MACDONALD, AICP, SENIOR PLANNER *Am*
(480) 503-6748, ASHLEE.MACDONALD@GILBERTAZ.GOV

THROUGH: EVA CUTRO, AICP, PLANNING MANAGER *EC*
(480) 503-6782, EVA.CUTRO@GILBERTAZ.GOV

MEETING DATE: JULY 1, 2020

SUBJECT: FM20-01 WARNER MEADOWS: REQUEST TO APPROVE MODIFICATIONS TO SEPARATION FENCE REQUIREMENTS ON APPROX. 94.2 ACRES GENERALLY LOCATED AT THE NORTHEAST CORNER OF RECKER AND WARNER ROADS, AND ZONED SINGLE FAMILY - 7 (SF-7), SINGLE FAMILY - 6 (SF-6), SINGLE FAMILY - DETACHED (SF-D) AND SINGLE FAMILY - ATTACHED (SF-A) ALL WITH A PLANNED AREA DEVELOPMENT (PAD) OVERLAY. WARNER MEADOWS

STRATEGIC INITIATIVE: Exceptional Built Environment

This project would allow for unique design in a proposed residential development.

RECOMMENDED MOTION

Make the Findings of Fact and approve FM20-01, Warner Meadows: Request to approve modifications to separation fence requirements on approx. 94.2 acres generally located at the northeast corner of Recker and Warner Roads, and zoned Single Family - 7 (SF-7), Single Family - 6 (SF-6), Single Family - Detached (SF-D) and Single Family - Attached (SF-A) all with a Planned Area Development (PAD) overlay.

APPLICANT

Company: Withey Morris, PLC

OWNER

Company: Lennar Arizona

Name: Adam Baugh
 Address: 2525 E Arizona Biltmore Cir. A212
 Phoenix, AZ 85016
 Phone: 602-230-0600
 Email: adam@withey Morris.com

Name: Todd Skoro
 Address: 1665 W. Alameda Dr, Ste 130
 Tempe, AZ 85282
 Phone: 480-476-8449
 Email: todd.skoro@lennar.com

BACKGROUND/DISCUSSION

History

Date	Description
<i>Feb 3, 2003</i>	Town Council annexed 156.24 acres with case A06-17 (Resolution No. 1793)
<i>October 14, 2004</i>	Town Council approved Z06-68 (Ord. No 1860) rezoning approximately 78.7 acres from Maricopa County Rural - 43 to Community Commercial and Business Park and Z07-72 (Ord. No 1861) rezoning approximately 77 acres from Maricopa County Rural - 43 to SF-D and MF/L with a PAD
<i>November 17, 2009</i>	Town Council approved case GP09-04 (Resolution No. 2996) changing the land use designation on 156 acres from Residential > 5-8 DU/Acre, BP, CC, GFC to Residential > 14-25 DU/Acre, CC, BP and LI and Z09-10 (Ordinance No 2261) rezoning 156 acres from SF-D, MF/L, BP and CC to MF/M, BP, CC, and LI with a PAD
<i>June 28, 2012</i>	Town Council approved GP12-02 (Resolution No. 3124) changing the land use designation on approximately 1.04 acres from LI, BP, and R>14-25 DU/Acre to Residential >14-25 DU/Acre and LI and Z12-03 (Ordinance No. 2378) rezoning approximately 34.1 acres from MF/M, BP and LI with a PAD to MF/M, BP and LI with a PAD to reconfigure the site.
<i>July 19, 2012</i>	Design Review Board approved DR12-07 approving the site plan, landscaping, and elevations for North Gateway Apartments (Liv Northgate)
<i>September 17, 2013</i>	Town Council approved a GP13-09 (Resolution No. 3195) and Z13-20 (Ordinance No. 2448) rezoning a portion of the Rockefeller Group North Gateway PAD from BP, LI and CC to BP, LI and CC
<i>November 5, 2018</i>	Planning Commission recommended approval of GP18-09.
<i>December 6, 2018</i>	Town Council denied GP18-09.
<i>December 20, 2018</i>	Town Council passed a motion (6-1 vote) to reconsider Council's action of December 6, 2018. It was requested that staff accept an amended application for future Planning Commission and Town Council consideration.
<i>October 17, 2019</i>	Town Council approved GP18-09 (Res. 4097) and Z18-19 (Ord. 2734) for the Warner Meadows PAD.

Overview

The subject site located at the northeast corner of Recker and Warner Roads is currently an undeveloped property totaling 94.18 acres with General Plan land use classifications of 18.2 acres of Residential > 8-14 DU/Acre (R>8-14du/ac), 10.4 acres of Residential > 5-8 DU/Acre (R>5-8du/ac), 65.6 acres of Residential > 3.5-5 DU/Acre (R>3.5-5du/ac). The proposal has lots that back up to Warner and Recker Roads, which are both designated as arterial roadways. Additionally, there are lots that back up to an existing non-residential use. The proximity of the arterial streets and the non-residential use require 8' solid walls between such uses and the proposed residential development. The applicant is proposing reduced heights as well as some view fencing.

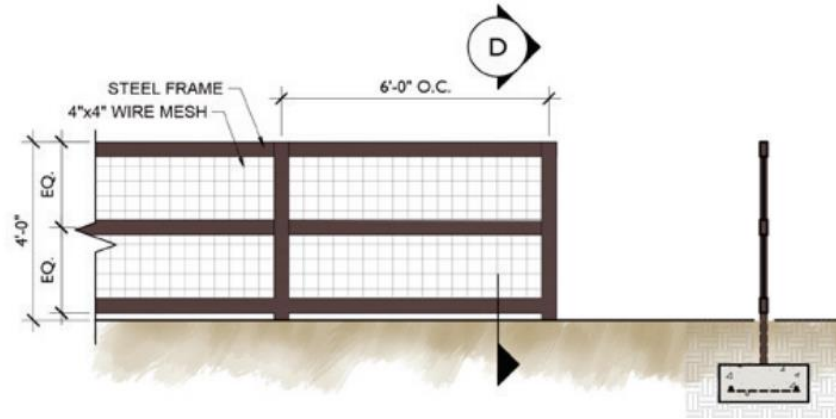
Surrounding Land Use & Zoning Designations:

	Existing Land Use Classification	Existing Zoning	Existing Use
North	Community Commercial, Residential > 14-25 DU/Acre and Residential > 2-3.5 DU/Acre	Multi Family/Medium (MF/M) and Single Family-Detached (SF-D) with a PAD	Liv Northgate Multi-family and Elliot Groves at Morrison Ranch single family residential
South	Community Commercial, Residential > 5-8 DU/Acre, Residential > 1-2 DU/Acre	Community Commercial (CC) and Single Family-Detached (SF-D) with a PAD and Maricopa County Airport District – 3 (AD-3)	Recker Road then Charter School, Residential and vacant land
East	Business Park (BP), Light Industrial (LI) and General Commercial (GC)	Business Park (BP), Light Industrial (LI) and General Commercial (GC) with a PAD	Vacant (Morrison Ranch Business Center)
West	Residential > 2-3.5 DU/Acre Residential > 3.5-5 DU/Acre	Single Family – 6 (SF-6) and Single Family – 10 (SF-10) with a PAD	Recker Road then Vacant (Lakeview Trails at Morrison Ranch)
Site	Business Park (BP), Light Industrial (LI) and Community Commercial (CC)	Business Park (BP), Light Industrial (LI) and Community Commercial (CC) with a PAD	Vacant

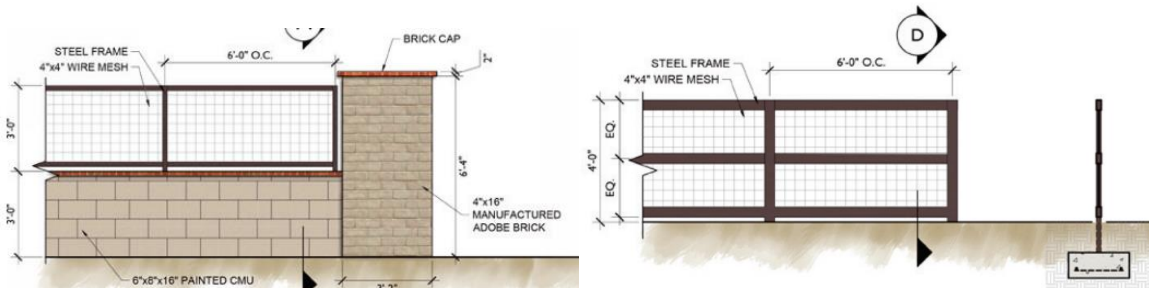
Discussion

The Land Development Code (Section 4.109) requires that when a single family residential use is adjacent to an arterial street, a multi-family district or use, or a nonresidential district or use an 8 foot fence must be provided. In order to complement the theming of the proposed development the applicant has requested a fence modification request that includes the following components:

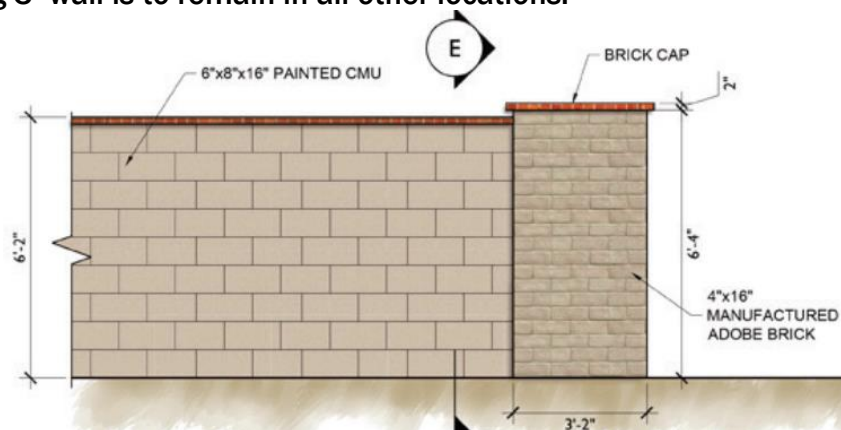
- Recker Road Entry – The applicant proposes the use of a 4' wire mesh to create an open feeling at the subdivision entry.



- Recker and Warner Roads adjacent to SF-A - The applicant proposes an alternative view fence in a few areas to break up the monolithic perimeter fence and provide more openness into the SF-A area. Where the SF-A alleys abut the perimeter wall, the applicant proposes a 3-tall block wall with wire mesh fencing above. Where the SF-A open space areas abut the perimeter wall, the applicant proposes a 4' wire mesh fence.



- Adjacent to non-residential use (Church site) – The church site was approved and constructed with a 3' perimeter wall. The applicant proposed to construct a 6' wall along the common boundary with the church where it abuts residential lots. The existing 3' wall is to remain in all other locations.



FINDINGS

The Planning Commission is required to make six findings in order to approve a Separation Fence Modification request. The findings are listed here, along with the reasons why staff considers that the findings are or are not met in this case. These findings are:

1. The proposed modification will not be detrimental to health, safety, or general welfare of persons living or working in the surrounding area, to adjacent property, to the neighborhood, or to the general welfare of the town as a whole;

The proposed fence modification primarily impacts lots adjacent to the public right-of-way. Where the modification abuts personal property the applicant is proposing an increase to the existing wall.

2. The proposed modification conforms with the purposes, intent, and policies of the General Plan and any applicable area, neighborhood, or other plan adopted by the Town Council;

*The proposed modification is consistent with General Plan **Community Design Goal 9.0**: Encourage a balance of aesthetic design principles with functional requirements, and more specifically **Policy 9.6**: Encourage all projects to be designed to provide a visual effect consistent with the character and scale of the area. Encourage design of new buildings and retrofitting of existing buildings to articulate all facades and select materials that are durable and energy efficient.*

The proposed modification provides a visual effect consistent with the existing character of the area and promotes unique design to provide visual interest along Recker

3. The proposed modification conforms with all other conditions, requirements, or standards required by the Zoning Code and any other applicable local, state, or federal requirements;

The proposed development is consistent with the approved NEC Warner and Recker PAD (Warner Meadows) and the LDC. The proposed modification conforms to all other standards within the LDC and the approved PAD.

4. The project is compatible with adjacent and nearby development;

The LDC requires an 8 foot separation fence when a residential use is adjacent to an arterial or non-residential use. In this case, the property is adjacent to both Recker and Warner Roads which are classified as arterials and it also shares a boundary with a church site. The church site has constructed a 3' separation fence, which the applicant proposed to partially replace where it adjoins residential lots. The replacement of the 3' section of fence is more compatible with the adjacent use than the existing fence. The perimeter fence along the SF-A zoned properties at a reduced height of 6' that incorporates view fencing is compatible and consistent with the open feeling created in the nearby Morrison Ranch neighborhoods.

5. The owners of a majority of all real, contiguous property that are subject to the separation fence requirements have approved modification of the separation fence requirements by submitting a notarized letter of approval, along with a site plan depicting the location of the separation fence to be modified, to the Director of Planning;

The separation fence modification request adjoins Town right-of-way, therefore no letter of approval was required. The portion of fence where residential properties adjoin the church site was approved at a height of 6' and will be constructed in accordance with the church design review approval (DR17-1038).

6. The separation fence is not a condition of a Final Design Review or a use permit approval as set forth in Section 4.109D.1: Requirement.

The separation fence is not a condition of approval in the approved PAD or a Final Design Review.

Pursuant to the above analysis, Staff believes the project meets the six findings required for granting the separation fence modification request.

PUBLIC NOTIFICATION AND INPUT

A notice of public hearing was published in a newspaper of general circulation in the Town, an official notice was posted in all the required public places within the Town and neighborhood notice was provided per the requirements of the Land Development Code Article 5.205.

Staff has received no comment from the public.

STAFF RECOMMENDATION

Make the Findings of Fact and approve FM20-01, Warner Meadows: Request to approve modifications to separation fence requirements on approx. 94.2 acres generally located at the northeast corner of Recker and Warner Roads, and zoned Single Family - 7 (SF-7), Single Family - 6 (SF-6), Single Family - Detached (SF-D) and Single Family - Attached (SF-A) all with a Planned Area Development (PAD), subject to the following conditions.

1. The Project shall be in substantial conformance with the site plan and wall detail shown on the Exhibits provided under Attachment No. 4.

Respectfully submitted,



Ashlee MacDonald, AICP
Senior Planner

Attachments and Enclosures:

- 1) Findings of Fact
- 2) Notice of Public Hearing/Vicinity Map
- 3) Aerial Photo
- 4) Exhibits
- 5) Applicant's Narrative

**FINDINGS OF FACT
FM20-01, Warner Meadows**

1. The proposed modification will not be detrimental to health, safety, or general welfare of persons living or working in the surrounding area, to adjacent property, to the neighborhood, or to the general welfare of the town as a whole;
2. The proposed modification conforms with the purposes, intent, and policies of the General Plan and any applicable area, neighborhood, or other plan adopted by the Town Council;
3. The proposed modification conforms with all other conditions, requirements, or standards required by the Zoning Code and any other applicable local, state, or federal requirements;
4. The project is compatible with adjacent and nearby development;
5. The owners of a majority of all real, contiguous property that are subject to the separation fence requirements have approved modification of the separation fence requirements by submitting a notarized letter of approval, along with a site plan depicting the location of the separation fence to be modified, to the Director of Planning;
6. The separation fence is not a condition of a Final Design Review or a use permit approval as set forth in Section 4.109D.1: Requirement.

PLANNING COMMISSION DATE:

Wednesday, July 1, 2020* TIME: 6:00 PM

LOCATION: Due to the impacts of the COVID-19 pandemic, all public meetings will be conducted using measures to protect public health until further notice. Please refer to the meeting agenda for methods of public participation, as permitted under Arizona state law.

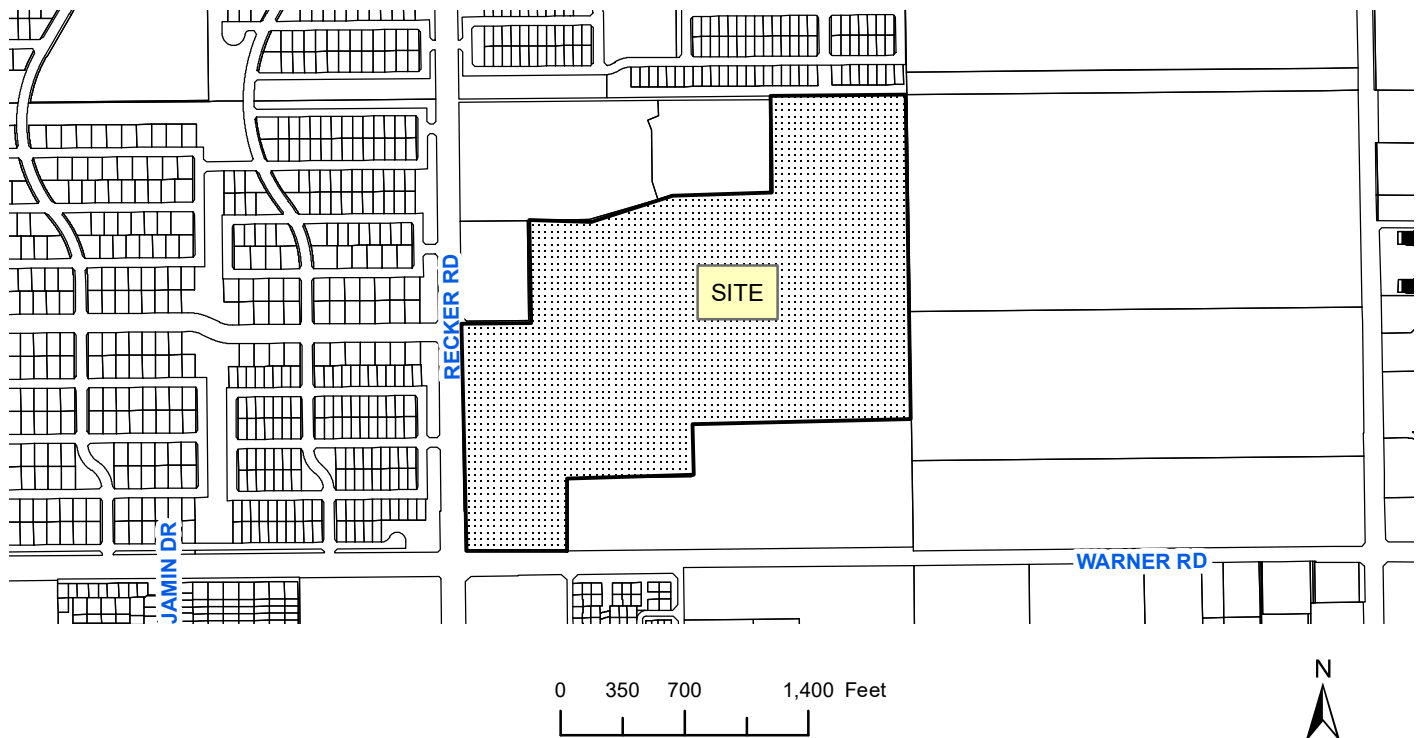
*Call Planning Division to verify date and time: (480) 503-6748

* The application is available to the public for review at the Town of Gilbert Planning Division Monday - Thursday 7AM - 6PM. Staff reports are available prior to the meeting at www.gilbertaz.gov/departments/development-services/planning/planning-commission and www.gilbertdocs.com/gilbertagendaonline.

REQUESTED ACTION:

FM20-01 WARNER MEADOWS: Request to approve modifications to separation fence requirements on approx. 94.2 acres generally located at the northeast corner of Recker and Warner Roads, and zoned Single Family-7 (SF-7), Single Family-6 (SF-6), Single Family-Detached (SF-D) and Single Family-Attached (SF-A) all with a Planned Area Development (PAD) overlay. The effects of the requested modifications would be to allow view fencing and reduce the perimeter wall height adjacent to an arterial street or a non-residential use.

SITE LOCATION:

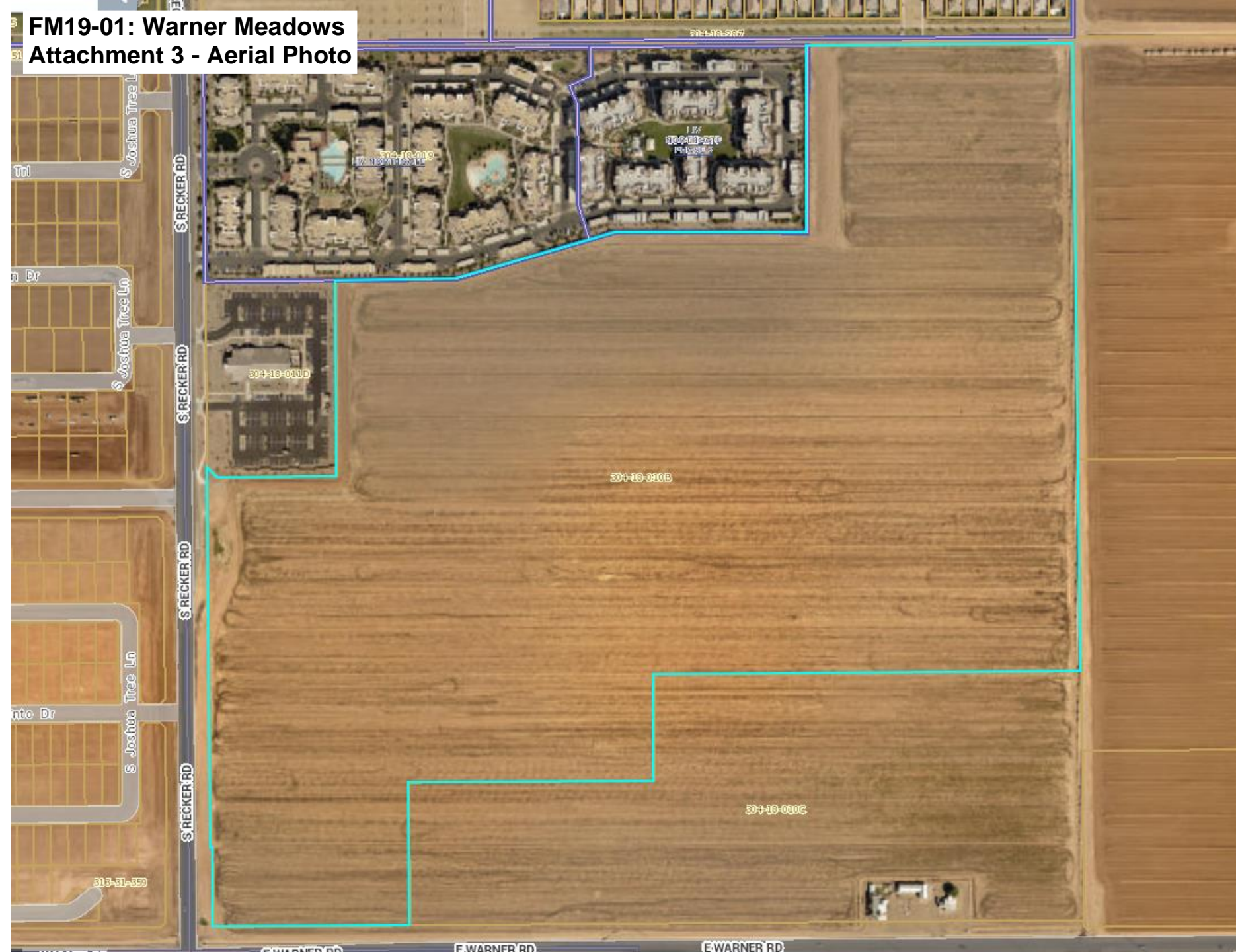


APPLICANT: Withey Morris PLC
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Phoenix, AZ 85016

TELEPHONE: (602) 230-0600
E-MAIL: adam@witheymorris.com

FM19-01: Warner Meadows
Attachment 3 - Aerial Photo

Aerial Map

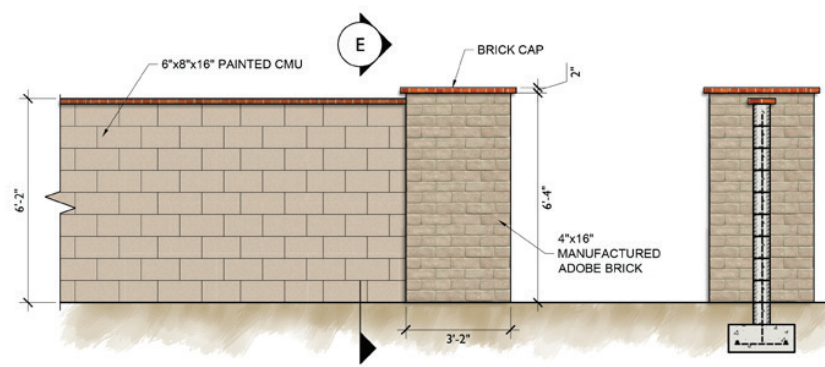




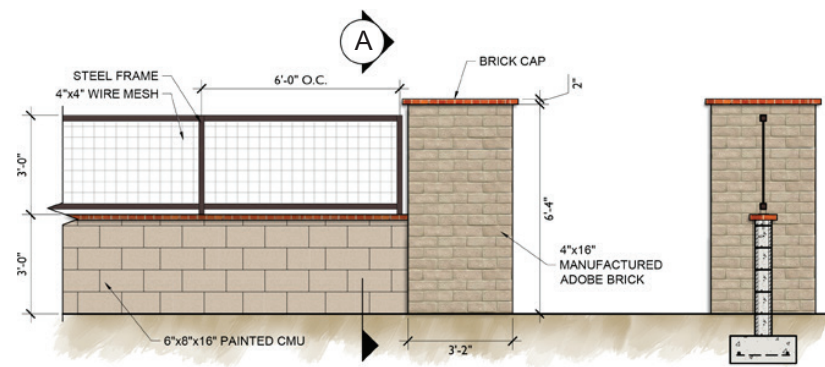
WALL AND FENCE LEGEND

- 4' THEME FENCE
- 54" VIEW FENCE OVER 18" THEME WALL
- 24" VIEW FENCE OVER 48" THEME WALL
- 6' THEME WALL
- 3' VIEW FENCE OVER 3' THEME WALL
- 6' DOOLEY WALL
- 8' DOOLEY WALL
- EXISTING 6' WALL TO REMAIN
- EXISTING FULL VIEW FENCE. TO BE PATCHED TO MATCH EXISTING WALL
- EXISTING 3' WALL TO REMAIN
- COLUMN
- PROPOSED ACCESS POINT
- CORNER MONUMENT
- MAIN ENTRY MONUMENT
- MINOR ENTRY MONUMENT
- MAILBOX LOCATIONS

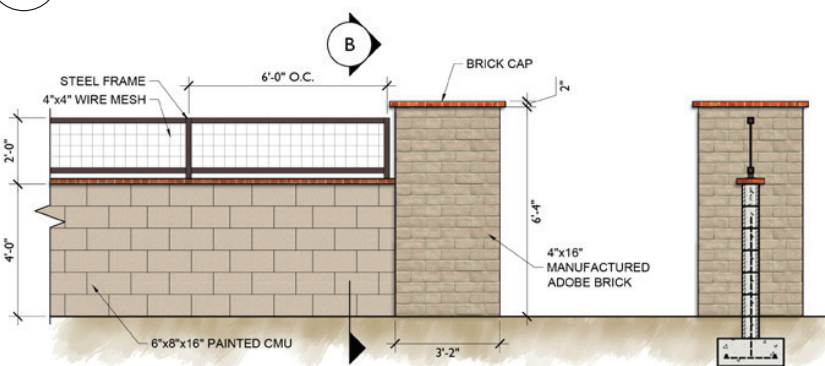
Copyright RVI



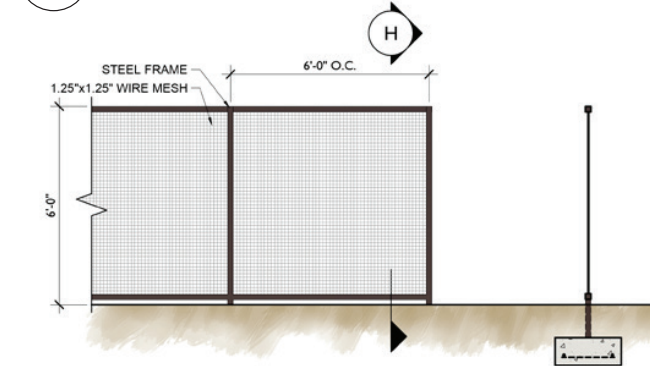
1 6' THEME WALL
SCALE: 3/8" = 1'-0"



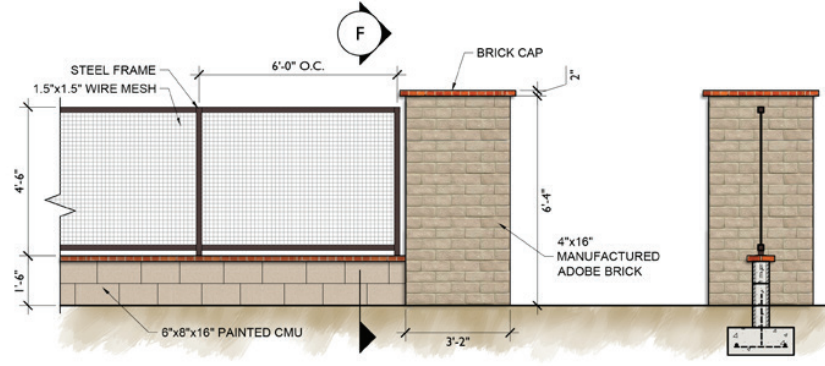
5 3' VIEW FENCE OVER 3' THEME WALL
SCALE: 3/8" = 1'-0"



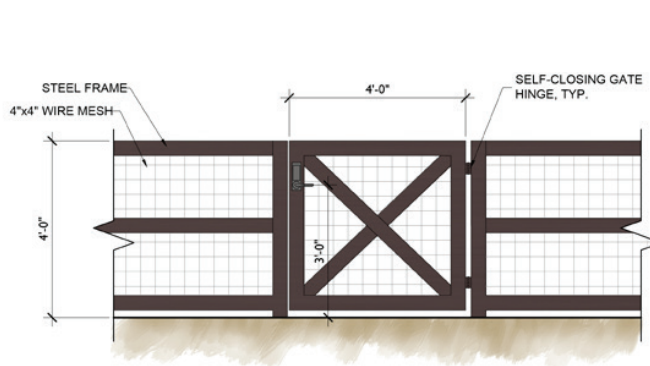
2 2' VIEW OVER 4' THEME WALL
SCALE: 3/8" = 1'-0"



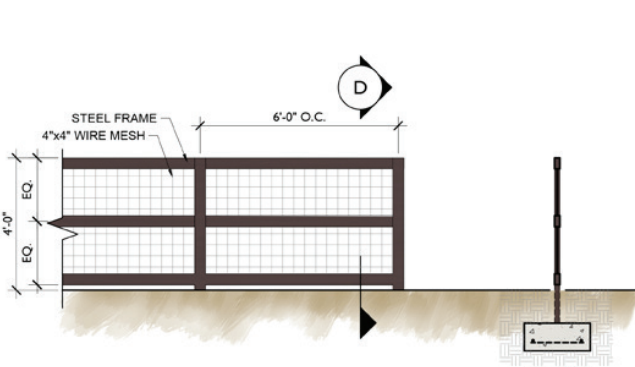
6 POOL FENCE
SCALE: 3/8" = 1'-0"



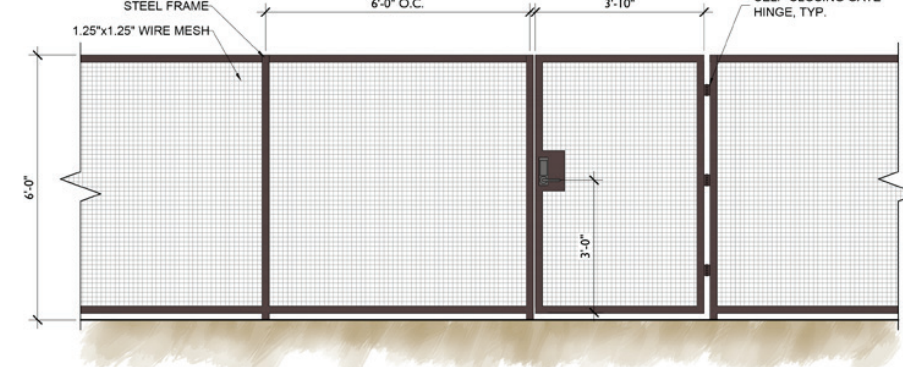
3 54" VIEW OVER 18" THEME WALL
SCALE: 3/8" = 1'-0"



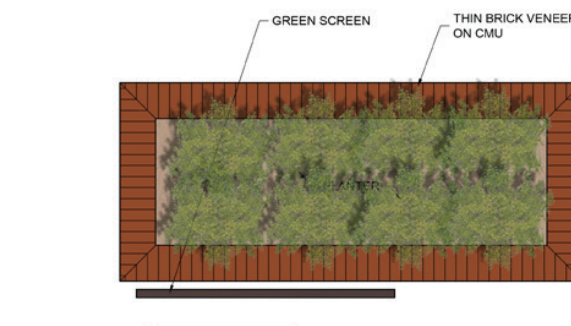
7 PEDESTRIAN GATE
SCALE: 3/8" = 1'-0"



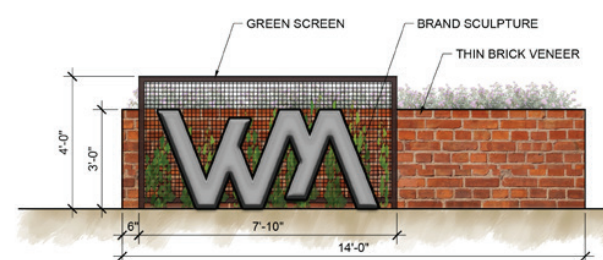
4 4' THEME FENCE
SCALE: 3/8" = 1'-0"



8 POOL GATE
SCALE: 3/8" = 1'-0"

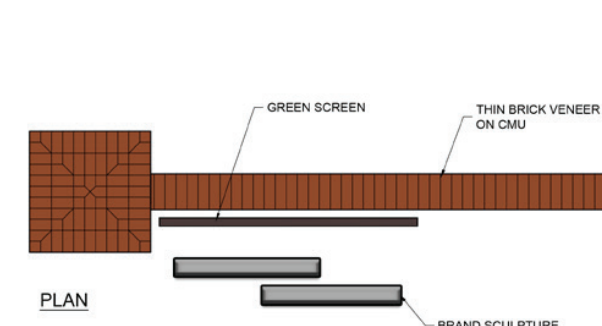


PLAN

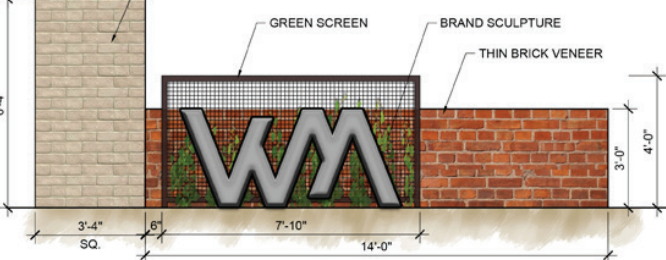


ELEVATION

WREN DRIVE ENTRY



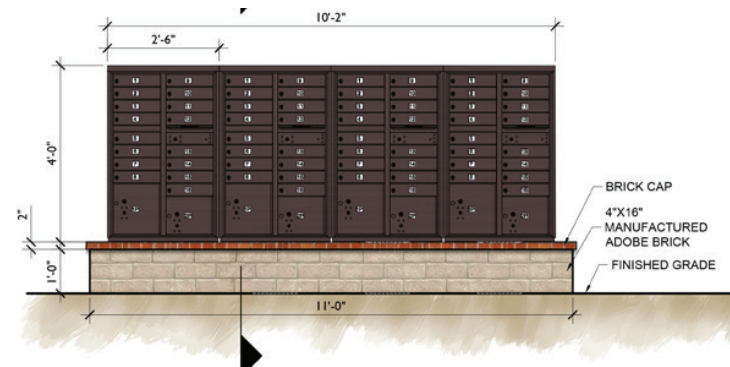
PLAN



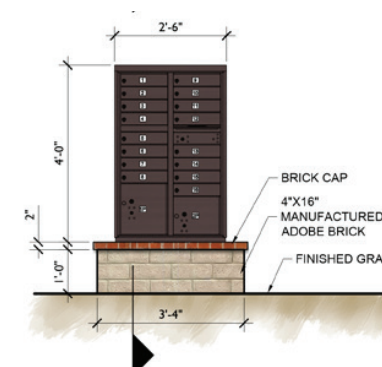
ELEVATION

PINTO DRIVE ENTRY

9 SECONDARY MONUMENT SIGNS
SCALE: 3/8" = 1'-0"



11 MAILBOX CLUSTERS
SCALE: 3/8" = 1'-0"



Copyright RVI

A. Request

Per the Land Development Code, an 8' tall separation fence is normally required when a single-family residential use is adjacent to an arterial street or a non-residential use district. However, the Planning Commission can modify these requirements. Pursuant to Section 4.109G, this application is a request to modify the requirements for separation fences between single family residential uses and an arterial street and non-residential zoned parcel (church).

B. Background

"Warner Meadows" is a newly planned subdivision located at the northeast corner of Warner and Recker Roads in the Town of Gilbert (the "Property"). Warner Meadows is designed as an integrated, connected and pedestrian-oriented community featuring a variety of uses, densities, and residential product types. A key aspect of the community are strong theming elements that create a "Refined Rural" character and feeling that is reminiscent of the homestead that originally settled and farmed the property. As part of that vision, certain modifications to the fences are necessary for some portions of the perimeter fence along Recker and Warner Roads, at the entry monument, and next to the church parcel.

C. Fence Types and Modifications

Only three modifications are requested as outlined below:

1) Recker Road Entry Monuments

A perimeter fence is generally planned along the entire length of Recker Road. However, the two entry monuments on both sides of the primary community entrance are somewhat detached and distinct from the perimeter wall and are flanked by open spaces areas that create a feeling of openness upon entering the subdivision. The applicant proposes to connect the entry monument feature to the closest perimeter fences by using a 4' tall wire mesh theme fence that is transparent. That way the intent of the code is met, and the open space feeling of the entry feature is achieved.

2) Recker & Warner Roads at the SF-A zoned area

Within some portions of the SF-A area, the site plan shows alleys and open space areas that terminate at the perimeter fence. The applicant proposes an alternative view fence in a few areas to break up the monolithic perimeter fence and provide more openness into the SF-A area. Where the SF-A alleys abut the perimeter wall, the applicant proposes a 3-tall block wall with wire mesh fencing above. Where the SF-A open space areas abut the perimeter wall, the applicant proposes a 4' wire mesh theme fencing. This will maintain a similar appearance at the primary entry way, allow for visual openings to the greenbelt areas, and break up long stretches of perimeter walls.

3) Church Parcel common boundary fence

The subdivision abuts an existing church parcel. Normally this would not require an 8' separation fence but for the fact that the church is zoned Community Commercial. The church also has an existing 3' perimeter wall. The applicant proposes to build a 6' tall wall along the common

boundary with the church for only the areas with abutting residential lots. The remainder of the church boundary will continue to be the 3' tall wall as it presently exists.

D. Findings (4.109G)

1. The proposed modification will not be detrimental to health, safety, or general welfare of persons living or working in the surrounding area, to adjacent property, to the neighborhood, or to the general welfare of the town as a whole.

Response: The proposed changes only concern small limited areas and will have no negative impact whatsoever.

2. The proposed modification conforms with the purposes, intent, and policies of the General Plan and any applicable area, neighborhood, or other plan adopted by the Town Council.

Response: The proposed changes help create a health, strong, and vibrant community which is supported by the General Plan.

3. The proposed modification conforms with all other conditions, requirements, or standards required by the Zoning Code and any other applicable local, state, or federal requirements.

Response: The proposed modification conforms with all other conditions, requirements, laws, and ordinances.

4. The project is compatible with adjacent and nearby development.

Response: The project is very compatible with Morrison Ranch (across the street) which also has open split rail perimeter fencing.

5. The owners of a majority of all real, contiguous property that are subject to the separation fence requirements have approved modification of the separation fence requirements by submitting a notarized letter of approval, along with a site plan depicting the location of the separation fence to be modified, to the Director of Planning; and

Response: The only adjacent property is the church parcel which is already required to provide a 6'-tall fence per their design review approval. Further, the present 3' foot fence around the remainder of the church parcel will not be removed, and it will be maintained as-is.